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12-11-02
tesa AG 597-HCL
3162-St-ar**EXPEDITED EXAMINING PROCEDURE
AMENDMENT AFTER FINAL REJECTION****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANTS : NICKEL, Oliver
SERIAL NO. : 09/431,849
FILED : 2 November 1999
FOR : MASKING STRIP AND USE THEREOF
ART UNIT : 1774
EXAMINER : Lawrence D. Ferguson

9 December 2002

Box AF
Hon. Commissioner of Patents
Washington, D.C. 20231

AMENDMENT UNDER 37 CFR § 1.116

SIR:

In response to the Office Action dated 18 October 2002, please accept the following request for reconsideration.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If entry and consideration of the amendments above requires an extension of time, Applicants respectfully request that this be considered a petition therefor. The Assistant Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

REMARKS

Claims 2-9, 11 and 12 are pending, although claim 11 has been withdrawn from consideration as drawn to a non-elected invention. Applicants respectfully request that, upon allowance of elected subject matter, the non-elected subject matter be rejoined (see MPEP § 806.05(i) - "Where the product claims are allowable (i.e., novel and unobvious), restriction may be required only where the process of making and the product are distinct (MPEP § 806.05(f)); otherwise, the process of using must be joined with the process of making and product made, even if a showing of distinctness can be made between the product and the product of using (MPEP § 806.05(h))").

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Date: 9 December 2002

To: Examiner Lawrence D. Ferguson
US Patent and Trademark Office
Tel. 703-305-9978
Fax: 703-872-9310

Subject: USSN 09/431,849
Our Ref.: tesa 597-HCL

From: Howard C. Lee

Comments: Filing of Response to Office Action dated 18 October 2002, including Amendment (4 pgs.)

If you have any questions or need further information, please contact us.

You should receive 5 pages including this cover sheet.

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